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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,219	03/29/2001	George R. Borden IV	KLR 7146,091	6071

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EXAMINER

NGUYEN, ANH T

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/23/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,219

Applicant(s)

BORDEN, GEORGE R.

Examiner

Anh T Nguyen

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Paper No. 3 6/14/01</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Oath/Declaration

1. It was not executed in accordance with either 37 CFR 1.66 or 1.68. It does not include the inventor's signature.

An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must:

- (1) Be executed, i.e., signed, in accordance with either § 1.66 or § 1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document that the person is signing.

Specification

2. The disclosure is objected to because of the following informalities:
 - a) page 2/ line 24: "increasing" should be changed to --increasingly--
 - b) page 2/line 25; page 3/line 5; page 3/line 24;: "derogation" should be changed to --degradation--.

Appropriate corrections are required.

Claim Objections

3. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claim 9, "The method" should be amended to "The system" for proper dependency.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites "indicating to said user the potential desirability of adding said at least one of said additional digital image and said additional digital video in a manner free from interrupting the user's work flow" on lines 8-11. The phrase "in a manner" is vague and lacks assertiveness.

Claim 9 is improperly dependent on system claim 1 in that this claim recites a method rather than a system.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this instance, a "capturing device" can not be a "stream of video" as recited.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art ("AAPA").

As per claim 1, "AAPA" discloses, a digital imaging system comprising: a capturing device that obtains at least one of a digital image and a digital video in a first format (page 1, lines 6-9; inherently, after a digital image or video is captured, it must necessarily be created in a certain predefined format so that it could be processed and displayed), a storage device that stores said at least one of a digital image and a digital video in a file free from modification of said first format (page 1, lines 10-13), a presentation system that presents said at least one of a digital image and a digital video to a user free from modification of said file on said storage device (page 1, line 19-20), an editing system that modifies said at least one of a digital image and a digital video by associating with said at least one of a digital image and a digital video meta data free from modification of the image represented by said file on said storage device (page 1, lines 14-18), and a managing system that renders said modified at least one of a digital image and a digital video by said editing system by applying said meta data to said at least one of a digital image and a digital video to modify the appearance of said at least one of a digital image and a digital video (page 2, lines 7-9).

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As per claim 2, "AAPA" discloses wherein said capturing device is a digital camera (page 1, line 7, *digital camera*).

As per claim 3, "AAPA" discloses wherein said capturing device is a video camera (page 1, line 7, *camcorder*).

As per claim 4, "AAPA" discloses wherein said storage device is at least one of a compact disk, a hard drive, a tape, a digital video disk, and an optical disk (page 1, lines 10-12, *digital images stored on hard drive, tape, compact disk, digital video disk, optical disk*).

As per claim 5, "AAPA" discloses wherein said presentation system includes a browser (page 1, lines 20-21, *a browser or other imaging system may be used to view a single image or multiple images*).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claim 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ratakonda (US 5,995,095).

As per claim 6, Ratakonda teaches a method of selecting desirable images for a user comprising: maintaining a list of a plurality of desirable image content for a user that includes at least one of a digital image and a digital video (col. 2, lines 16-28; col. 3, lines 49-64; *compiling a list of keyframe video images that are desirable to users at a specific level of interest/summary*); determining potential additional image content for said user that includes at

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least one of an additional digital image and an additional digital video (col. 9, lines 30-43; *when a user desires a more detail or refine level, the process would expand to add more detail keyframe images to the list of images for viewing*); and indicating to said user the potential desirability of adding said at least one of said additional digital image and said additional digital video in a manner free from interrupting the user's work flow (col. 9, lines 33-34; *by indicating a specific level summary, users would be aware of potentially more detail/refine level of summary are possible if the current level of viewing is still coarse; furthermore, it is noted that in a multi-tasking computing environment, the process of adding more detail/refine keyframe images to the list for user's viewing would be done without interrupting the user's work flow*).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratakonda (US 5,995,095).

As per claims 7-8, although Ratakonda indicates that users may select a specific level of detail/refine summary of keyframe images (col. 9, lines 33-34), Ratakonda does not explicitly disclose how the users make the selection. Official Notice is taken that the use of visual graphical or audible indications to inform/alert users of how data are being presented is well known in the art. It would have been obvious to an artisan at the time of the invention to

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combine such a feature with Ratakonda's method in order to inform users quickly and conveniently of the desired level of detail/refine summary of keyframe images.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ratakonda (US 5,995,095) teaches method for hierarchical summarization and browsing of digital video

Parulski et al. (US 6,629,104) teaches method for adding personalized metadata to a collection of digital images

Bernard et al. (US 6,744,448) teaches high fidelity image delivery with color correction notification

Yeo et al. (US 5,821,945) teaches method and apparatus for video browsing based on content and structure

Pavley et al. (US 6,317,141) teaches method and apparatus for editing heterogeneous media objects in a digital imaging device

Inquiries

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Nguyen whose telephone number is (703) 305-8649. The examiner can normally be reached on Monday - Friday from 7:00 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

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The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Anh T Nguyen
Examiner
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Kristine Kincaid
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